

FINAL DECISION

In the Matter of a Complaint by

Ethics Enforcement Officer,  
Office of State Ethics,

Complainant

Docket # 2007-2UL

against

ConnPIRG and Christopher Phelps,

Respondents

October 25, 2007

The above-captioned matter was heard as a contested case on October 5, 2007, at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record, the following facts are found and conclusions of law are reached:

1. It is found that by letter dated August 15, 2007, the complainant informed the respondents that the Office of State Ethics (“OSE”) had not received the respondent ConnPIRG’s Client Lobbyist Financial Report (“ETH-2D report”) for the second quarter of 2007, and that the ETH-2D report was now delinquent.

2. It is found that the complainant further informed the respondents, in the August 15, 2007 letter, that if the OSE did not receive the ETH-2D report by August 31, 2007, a hearing regarding the matter would be scheduled, and that the complainant would seek civil penalties. The August 15, 2007 letter further informed the respondents that such letter was being sent as a courtesy “to give you the opportunity to file this delinquent report.”

3. Having failed to receive the ETH-2D report, it is found that the OSE, pursuant to the authority and jurisdiction vested in it by General Statutes § 1-99 (b), issued notice to the respondents of the October 5, 2007 hearing in this matter. Such notice alleged that the respondents violated General Statutes § 1-96 (a) by failing to file the ETH-2D report.

4. It is found that the issues presented are

- a) whether the respondents violated § 1-96 (a) by failing to file the ETH-2D report; and if so,
- b) whether the Citizen's Ethics Advisory Board ("Board") should impose a civil penalty in this matter.

5. Section 1-96 (a), provides, in relevant part:

Each client lobbyist registrant shall file with the Office of State Ethics between the first and tenth day of . . . July . . . a financial report, signed under penalty of false statement. The . . . July report . . . shall cover its lobbying activities during the previous calendar quarter . . . If the client lobbyist registrant is not an individual, an authorized officer or agent of the client lobbyist registrant shall sign the form. . . .

6. Section § 1-99 (b), provides, in relevant part:

[The Board] may, after a hearing conducted in accordance with sections 4-176e to 4-184, inclusive, upon the concurring vote of two-thirds of its members, impose a civil penalty not to exceed ten dollars per day upon any registrant who fails to file any report, statement or other information as required by this part... In no event shall the aggregate penalty imposed for such failure to file exceed ten thousand dollars.

7. With respect to the first issue to be addressed, it is found that the respondent ConnPIRG was a client lobbyist registrant, within the meaning of § 1-96 (a), during the second quarter of 2007.

8. It is also found that the respondent Christopher Phelps was the authorized officer or agent of the respondent ConnPIRG during the second quarter of 2007.

9. It is further found that the respondents did not file the second quarter 2007 ETH-2D report with the OSE during July 1 through 10, 2007.

10. It is therefore concluded that the respondents failed to file the second quarter 2007 ETH-2D report with the OSE during the statutorily required time frame, and consequently they violated § 1-96 (a).

11. With respect to the second issue to be addressed, it is found that the respondents eventually filed the second quarter 2007 ETH-2D report with the OSE on September 13, 2007, sixty-four days late.

12. It is concluded that pursuant to § 1-99 (b) the Board may impose a civil penalty of six hundred and forty dollars, that is, ten dollars per day for sixty-four days.

13. It is found that at the hearing in this matter respondent Christopher Phelps requested that any fine assessed be reduced because the respondents failure to file the second quarter 2007 ETH-2D report was an innocent mistake on his part.

14. However, the Board exercises its discretion to impose the civil penalty permitted by § 1-99 (b) in this matter.

The following order by the Board is hereby recommended on the basis of the record concerning the above-captioned complaint:

1. The respondents shall immediately remit to the OSE a civil penalty in the amount of six hundred and forty dollars (\$640.00).

2. Henceforth, the respondents shall timely file all required ETH-2D reports.

Approved by Order of the Citizen's Ethics Advisory Board at its regular meeting of October 25, 2007.

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Diane P. Buxo  
Acting Clerk of the Board

PURSUANT TO CONNECTICUT GENERAL STATUTES § 4-180 (c), THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE OFFICE OF STATE ETHICS, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

Ethics Enforcement Officer  
Office of State Ethics  
18-20 Trinity Street, Suite 205  
Hartford, CT 06106

ConnPIRG  
c/o Christopher Phelps  
198 Park Road, 2<sup>nd</sup> Floor  
West Hartford, CT 06119

Christopher Phelps  
198 Park Road, 2<sup>nd</sup> Floor  
West Hartford, CT 06119

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Diane P. Buxo  
Acting Clerk of the Board